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RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[without reference to a Main Committee (A/46/L.44 and Add.1)]

46/78. Law of the sea

The General Assembly,

Recalling its previous resolutions, including resolution 45/145 of 14 December 1990, on the law of the sea,

Recognizing that, as stated in the third preambular paragraph of the United Nations Convention on the Law of the Sea, 1/ the problems of ocean space are closely interrelated and need to be considered as a whole,

Convinced that it is important to safeguard the unified character of the Convention and related resolutions adopted therewith and to apply them in a manner consistent with that character and with their object and purpose,

Emphasizing the need for States to ensure consistent application of the Convention, as well as the need for harmonization of national legislation with the provisions of the Convention,

Considering that, in its resolution 2749 (XXV) of 17 December 1970, it proclaimed that the seabed and ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction (hereinafter referred to as "the Area"), as well as the resources of the Area, are the common heritage of mankind,

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1/ Official Records of the Third United Nations Conference on the Law of the Sea, vol. XVII (United Nations publication, Sales No. E.84.V.3), document A/CONF.62/122.

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92-15649

Recalling that the Convention provides the regime to be applied to the Area and its resources,

Recalling with satisfaction the expressions of willingness to explore all possibilities of addressing issues of concern to some States in order to secure universal participation in the Convention, 2/

Recognizing the need for cooperation in the early and effective implementation by the Preparatory Commission of resolution II of the Third United Nations Conference on the Law of the Sea, 3/

Noting with satisfaction the progress made in the Preparatory Commission since its inception, including the registration of six pioneer investors 4/ and the designation by the Preparatory Commission of reserved areas for the International Seabed Authority from the application areas submitted by the pioneer investors pursuant to resolution II, bearing in mind that such registration entails both rights and obligations for pioneer investors,

Noting the increasing needs of countries, especially developing countries, for information, advice and assistance in the implementation of the Convention and in their developmental process for the full realization of the benefits of the comprehensive legal regime established by the Convention,

Concerned that the developing countries are as yet unable to take effective measures for the full realization of these benefits owing to the lack of resources and of the necessary scientific and technological capabilities,

Recognizing the need to enhance and supplement the efforts of States and competent international organizations aimed at enabling developing countries to acquire such capabilities,

Recognizing also that the Convention encompasses all uses and resources of the sea and that all related activities within the United Nations system need to be implemented in a manner consistent with it,

Deeply concerned about the current state of the marine environment,

Mindful of the importance of the Convention for the protection of the marine environment,

Noting with concern the use of fishing methods and practices, including those aimed at evading regulations and controls, which can have an adverse impact on the conservation and management of marine living resources,

Considering the need for effective and balanced conservation and management of marine living resources, giving full effect to the relevant provisions in the Convention,

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2/ See A/44/650 and Corr.1, paras. 156 and 158.

3/ Official Records of the Third United Nations Conference on the Law of the Sea, vol. XVII (United Nations publication, Sales No. E.84.V.3), document A/CONF.62/121, annex I.

4/ See A/46/724, paras. 146-151.

Taking note of activities carried out in 1991 under the major programme on marine affairs, set forth in chapter 25 of the medium-term plan for the period 1984-1989 and extended for the period 1990-1991, in accordance with the report of the Secretary-General, 5/ as approved in General Assembly resolution 38/59 A of 14 December 1983, and of the report of the Secretary-General, 6/ as well as of programme 10 (Law of the sea and ocean affairs) in the medium-term plan for the period 1992-1997, 7/

Taking special note of the report of the Secretary-General prepared in pursuance of paragraph 20 of General Assembly resolution 45/145, 6/

1. Recalls the historic significance of the United Nations Convention on the Law of the Sea as an important contribution to the maintenance of peace, justice and progress for all peoples of the world;

2. Expresses its satisfaction at the increasing and overwhelming support for the Convention, as evidenced, inter alia, by the one hundred and fifty-nine signatures and fifty-one of the sixty ratifications or accessions required for entry into force of the Convention;

3. Invites all States to make renewed efforts to facilitate universal participation in the Convention;

4. Notes with appreciation the initiative of the Secretary-General to promote dialogue aimed at addressing issues of concern to some States in order to achieve universal participation in the Convention; 8/

5. Recognizes that political and economic changes, including particularly a growing reliance on market principles, underscore the need to re-evaluate, in the light of the issues of concern to some States, 9/ matters in the regime to be applied to the Area and its resources, and that a productive dialogue on such issues involving all interested parties would facilitate the prospect of universal participation in the Convention, for the benefit of mankind as a whole;

6. Calls upon all States that have not done so to consider ratifying or acceding to the Convention at the earliest possible date to allow the effective entry into force of the new legal regime for the uses of the sea and its resources and calls upon all States to take appropriate steps to promote universal participation in the Convention, including through dialogue aimed at addressing the issues of concern to some States;

7. Calls upon all States to safeguard the unified character of the Convention and related resolutions adopted therewith and to apply them in a manner consistent with that character and with their object and purpose;

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5/ A/38/570 and Corr.1 and Add.1 and Add.1/Corr.1.

6/ A/46/724.

7/ See Official Records of the General Assembly, Forty-fifth Session, Supplement No. 6 (A/45/6/Rev.1), vol. I.

8/ See A/46/724, paras. 15-20.

9/ See A/46/724, para. 17.

8. Also calls upon States to observe the provisions of the Convention when enacting their national legislation;

9. Notes the progress being made by the Preparatory Commission for the International Seabed Authority and for the International Tribunal for the Law of the Sea in all areas of its work;

10. Recalls the Understanding on the Fulfilment of Obligations by the Registered Pioneer Investors and their Certifying States adopted by the Preparatory Commission on 30 August 1990; 10/

11. Notes that negotiations on the fulfilment of the obligations have already been completed in respect of the pioneer investor registered in March 1991; 11/

12. Expresses its appreciation to the Secretary-General for his efforts in support of the Convention and for the effective execution of the major programme on marine affairs set forth in chapter 25 of the medium-term plan for the period 1984-1989 and extended for the period 1990-1991, and requests him, in the execution of programme 10 (Law of the sea and ocean affairs) in the medium-term plan for the period 1992-1997, to provide an effective response to the increased needs of States for assistance in the implementation of the Convention;

13. Also expresses its appreciation to the Secretary-General for the report prepared in pursuance of paragraph 20 of General Assembly resolution 45/145 6/ and requests him to carry out the activities outlined therein, as well as those aimed at the strengthening of the legal regime of the sea, special emphasis being placed on the work of the Preparatory Commission, including the implementation of resolution II of the Third United Nations Conference on the Law of the Sea;

14. Welcomes regional efforts being undertaken by developing countries to integrate the ocean sector in national development plans and programmes through the process of international cooperation and assistance, in particular the initiatives mentioned in the report of the Secretary-General; 12/

15. Calls upon the Secretary-General to continue to assist States in the implementation of the Convention and in the development of a consistent and uniform approach to the legal regime thereunder, as well as in their national, subregional and regional efforts towards the full realization of the benefits therefrom, and invites the organs and organizations of the United Nations system to cooperate and lend assistance in these endeavours;

16. Urges interested Member States, in particular States with advanced marine capabilities, to review relevant policies and programmes in the context of the integration of the marine sector in national development strategies, and to explore prospects for intensifying cooperation with developing States, including States of regions active in this field;

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10/ LOS/PCN/L.87, annex.

11/ See LOS/PCN/L.97, para. 32.

12/ See A/46/724, paras. 190-196.

17. Requests the competent international organizations, the United Nations Development Programme, the World Bank and other multilateral funding agencies, in accordance with their respective policies, to intensify financial, technological, organizational and managerial assistance to the developing countries in their efforts to realize the benefits of the comprehensive legal regime established by the Convention and to strengthen cooperation among themselves and with donor States in the provision of such assistance;

18. Welcomes the second report of the Secretary-General submitted pursuant to paragraph 13 of General Assembly resolution 44/26 of 20 November 1989 and paragraph 15 of General Assembly resolution 45/145 identifying the measures currently taken by States and by the competent international organizations, as well as future approaches to address the needs of States in regard to the development and management of ocean resources, 13/ and requests the Secretary-General to keep under review, in cooperation with States and the competent international organizations, the measures being undertaken and any necessary follow-up action, in order to facilitate the realization by States of the benefits of
the comprehensive legal regime established by the Convention and to report thereon periodically to the General Assembly;

19. Approves the decision of the Preparatory Commission to hold its tenth regular session at Kingston from 24 February to 13 March 1992 and to hold a summer meeting in New York in 1992;

20. Recognizes that the protection of the marine environment will be significantly enhanced by the implementation of applicable provisions of the Convention;

21. Reiterates its call to States and other members of the international community to strengthen their cooperation and to take measures with a view to giving full effect to the provisions in the Convention on the conservation and management of marine living resources, including the prevention of fishing methods and practices which can have an adverse impact on the conservation and management of marine living resources and, in particular, to comply with bilateral and regional measures applicable to them aimed at effective monitoring and enforcement;

22. Requests the Secretary-General to submit a special report to the General Assembly at its forty-seventh session on the progress made in the implementation of the comprehensive legal regime embodied in the United Nations Convention on the Law of the Sea, in the light of the tenth anniversary in 1992 of its adoption, and to take such action, in consultation with States, as may be appropriate to mark the occasion;

23. Also requests the Secretary-General to report to the General Assembly at its forty-seventh session on developments pertaining to the Convention and all related activities and on the implementation of the present resolution;

24. Decides to include in the provisional agenda of its forty-seventh session the item entitled "Law of the sea".

71st plenary meeting
12 December 1991

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13/ A/46/722.